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PATENT

61

Attorney Docket No.	Serial No.
151P08035US01	09/364,967

MS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


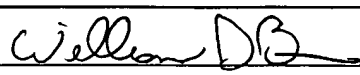
In re Application of:	Kevin J. Kelly et al.		
Serial No.:	09/364,967	Examiner:	Carol Tsai
Confirmation No.:	1149	Art Unit:	2857
Filed:	July 31, 1999		
For:	DEVICE & METHOD FOR DETERMINING & COMMUNICATING THE REMAINING LIFE OF A BATTERY IN AN IMPLANTABLE NEUROLOGICAL TISSUE STIMULATING DEVICE		

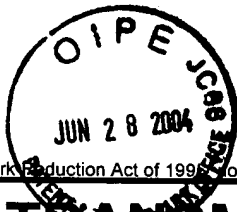
We are transmitting the following documents:

Return Postcard  
Transmittal Letter [1 page]  
Fee Transmittal [1 page]  
Supplemental Information Disclosure Statement (37 C.F.R. 1.97(b)) [2 pages]  
Information Disclosure Statement by Applicant [1 page]  
Copy of six (6) prior art references

**Please charge Deposit Account 50-0549 for any fees under 37 CFR §1.16 and §1.17 that may be required during the pendency of this application. This authorization includes the fee for any extension of time under 37 CFR §1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested.**

Respectfully submitted,

Registration No. 28,052	Direct Dial 612-331-7405	
Date: June 24, 2004		William D. Bauer
United States Patent and Trademark Office Customer No. 23322		
Certificate of Mailing		
Pursuant to 37 CFR 1.8, I certify that this correspondence is being deposited in the United States mail, addressed to: MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below indicated date.		
		Signature 
Date of Mailing June 24, 2004		Printed Name William D. Bauer



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 180

**Complete if Known**

Application Number	09/364,967
Filing Date	July 31, 1999
First Named Inventor	Kevin J. Kelly et al.
Examiner Name	Carol Tsai
Art Unit	2857
Attorney Docket No.	151P08035US01

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number: 500549  
Deposit Account Name: IPLM Group, P.A.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ )			

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 180

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	William D. Bauer	Registration No. (Attorney/Agent)	28,052	Telephone	612-331-7405
Signature		Date	June 29 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

**SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin J. Kelly et al. Examiner: Carol Tsai  
Serial No.: 09/364,967 Art Unit: 1149  
Filed: July 31, 1999 Confirmation No.: 1149  
Docket No.: 151P08035US01

For: DEVICE & METHOD FOR DETERMINING & COMMUNICATING  
THE REMAINING LIFE OF A BATTERY IN AN IMPLANTABLE  
NEUROLOGICAL TISSUE STIMULATING DEVICE

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 24, 2004.

William D. Bauer

**SUPPLEMENTAL INFORMATION DISCLOSURE**  
**STATEMENT (37 C.F.R. §1.97(b))**

MS: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a final action under 37 C.F.R. §1.113 or after the mailing date of the Notice of Allowance under 37 C.F.R. §1.113, but before the payment of the Issue Fee.

In accordance with 37 C.F.R. §1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

09364967

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Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialled by the Examiner, to the undersigned with the next official communication.

PETITION

Accordingly, this is a petition under 37 C.F.R. . §1.97(d)(ii) for consideration of the items listed on the enclosed Form 1449. Please charge the petition fee or any additional fees or credit any overpayment to Deposit Account No. 500549.

Respectfully submitted,

KEVIN J. KELLY ET AL.

Date: June 24, 2004

By: William D. Bauer  
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WDB:dmw

**INFORMATION  
DISCLOSURE  
STATEMENT**

Atty. Docket No.: 151-P-08035US01

Serial No.: 09/364,967

Applicant(s): Kevin J. Kelly et al.

Confirmation No.: 1149

Filing Date: July 31, 1999

Group: 2857

JUN 28 2004

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	4,662,097	04/04/1978	Mann et al.			
	4,677,363	06/30/1987	Kopmann			
	5,458,624	10/17/1995	Renirie et al.			
	5,769,877	06/23/1998	Barreras, Sr.			
	6,108,579	08/22/2000	Snell et al.			
	6,148,235	11/14/2000	Kuiper			

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No

**OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)**

Examiner Initial	Document Description

**EXAMINER**
**Date Considered**

\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.